IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.7030 OF 2003

Sau.Vaishali Vinayak Vadelkar).. Petitioner

Versus

Vasudev Ravji Chavan and others).. Respondents

Mr.G.S. Godbole for the Petitioner.

Mr.P.N. Joshi i/b.R.M.Haridas for the Respondents.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 17TH OCTOBER 2005

P.C.:

. This Petition challenges the decree passed by the trial Court as well as the Appellate Court dismissing the Appeal. Both the Courts have found that the Petitioner is a defaulter in payment of rent. A demand notice was issued to him for being in arrears of rent from 1st May 1983 to December 1995. It appears that the tenancy agreement was entered into from 1st May 1983. According to the Petitioner, the landlord-Respondents herein would not have allowed him to continue in the premises for eight years if he had defaulted in payment of rent from the first date of letting. Both the Courts have found that the Petitioner has not shown any material to prove that he had in fact paid rent to the landlord from 1st May 1983.

2. An application for fixing standard rent was filed by the Petitioner and the interim standard rent was fixed at Rs.130/- per month as against Rs.530/- demanded in the notice. It is submitted on behalf of the Petitioner that this would indicate that the demand notice itself is invalid since the demand made was excessive.

3. In my view, once the standard rent has been fixed, it was encumbent on the Petitioner to pay this amount. Both the Courts below have found that the standard rent has not been paid for the period from 1st May 1983 nor has the Petitioner produced any evidence on record to indicate that he had in fact paid the contractual rent from 1st May 1983. There is, therefore, no need to interfere with the orders passed by the Courts below. Hence, Petition rejected.

4. Time to vacate the premises is granted upto 1st June 2006 on the Petitioner filing the usual undertaking within four weeks from today.